

**MEMO ENDORSED**

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LAW OFFICES OF  
**DANIEL A. MCGUINNESS, PC**

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July 8, 2020

**VIA ECF**

Hon. Valerie Caproni  
United States District Court  
40 Foley Square, Room 240  
New York, NY 10007

**Re: *United States v. Jalen Colds*, Case No. 19-cr-166 (VEC)**

Dear Judge Caproni,

I represent Jalen Colds with respect to the above captioned matter. I write to respectfully request an adjournment of sentencing currently scheduled for July 28, 2020. The Government consents to this request. This is the third such request. As detailed below, the COVID-19 pandemic has substantially interfered with my ability to prepare for sentencing. Additionally, my client would like to be physically present with his family at sentencing. As such, I request an extension of sentencing to September 29, 2020 or as soon thereafter is convenient for the Court.

The pandemic has stalled the work of my mitigation specialist, Kathleen O'Boyle, in collecting relevant information for sentencing. She has been unable to visit my client at Westchester County Jail and developing a rapport with Mr. Colds necessary to collect information for sentencing. The COVID-19 outbreak led to the closure of the facility shortly after her assignment to the case. Although the facility recently reopened to legal visits, the coronavirus crisis continues and has reoccurred in various parts of the country following reopenings. Ms. O'Boyle is understandably uncomfortable resuming legal visits, as she is in her late 60's and in a high-risk category for coronavirus. She does not drive and would be taking mass transit from Brooklyn. She has also recently received reports from other Westchester County Jail inmates of illness at the facility.

Most importantly, Ms. O'Boyle requested but still has not received Mr. Colds's school records. Because Mr. Colds is only 21 years old, his recent history in school may offer great insight into factors affecting his sentencing. The processing of records requests such as this one was paused during the shutdown.

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As this Court is aware, Mr. Colds and his co-defendants are facing substantial prison sentences in this case. Mr. Colds accepts responsibility for his actions and is prepared to receive whatever sentence is handed down by the Court, but asks that he be able to appear before the Court in person, with his family there to support him. As such, Mr. Colds is respectfully requesting an adjournment to a time when it is safe to appear before the Court in person and have his family attend his sentencing.

I thank the Court in advance for its attention to this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. McGuinness', with a stylized flourish at the end.

Daniel A. McGuinness

Cc: All counsel (via email)

Application GRANTED.

Mr. Colds's sentencing is adjourned to September 29, 2020, at 2:30 p.m. The parties' sentencing submissions are due no later than September 15, 2020.

Further adjournments are unlikely. If the mitigation specialist continues to be uncomfortable with visiting a jail facility, counsel will need to assume responsibility for gathering the necessary information from his client.

SO ORDERED.

A handwritten signature in blue ink, appearing to read 'Valerie Caproni', with a stylized flourish at the end.

7/8/2020

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE